

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact;
 18 U.S.C. § 2243(b) – Sexual Abuse of a Ward;
 18 U.S.C. § 2241(a) – Aggravated Sexual Abuse;
 18 U.S.C. § 242 – Deprivation of Rights Under Color of Law.

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

See Attached Sheet.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.▶ **DARRELL WAYNE SMITH**

DISTRICT COURT NUMBER

4:23-cr-00110-YGR

FILED**JUL 25 2024**

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ISMAIL J. RAMSEY
☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) ANDREW PAULSON, AUSA**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges ▶
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed

**DATE OF
ARREST** ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY** ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT
Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

DARRELL WAYNE SMITH
PENALTY SHEET
4:23-cr-00110 YGR

Title 18, United States Code, Section 2244(a)(4) – Abusive Sexual Contact (Counts 1-4, 10, 12, 14)

- 2 years imprisonment
- \$250,000 fine
- Supervised Release: 5 years to life
- Restitution
- Mandatory Special Assessment: \$5,100

Title 18, United States Code, Section 2243(b) – Sexual Abuse of a Ward (Counts 7-9, 11, 13, 15)

- 15 years' imprisonment
- \$250,000 fine
- Supervised Release: 3 years
- Restitution
- Mandatory Special Assessment: \$5,100

Title 18, United States Code, Section 2241(a) – Aggravated Sexual Abuse (Count 5)

- Life imprisonment
- \$250,000 fine
- Supervised Release: 5 years to life
- Restitution
- Mandatory Special Assessment: \$5,100

Title 18, United States Code, Section 242 – Deprivation of Rights Under Color of Law (Count 6)

- Life imprisonment
- \$250,000 fine
- Supervised Release: 5 years
- Restitution
- Mandatory Special Assessment: \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

v.

DARRELL WAYNE SMITH,
a/k/a "Dirty Dick Smith,"

4:23-CR-00110-YGR

FILED

JUL 25 2024

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT(S).

SUPERSEDING INDICTMENT

18 U.S.C. § 2243(b) – Sexual Abuse of a Ward;
18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact;
18 U.S.C. § 2241(a) – Aggravated Sexual Abuse;
18 U.S.C. § 242 – Deprivation of Rights Under Color of Law

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 25th day of

July 2024

Joy L. Garcia, 7/25/24
Clerk

Bail, \$ No Process

Donna M. Ryu
HON. DONNA M. RYU, Chief Magistrate Judge

1 ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

FILED

JUL 25 2024

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. 4:23-cr-00110-YGR
12 Plaintiff,)
13 v.) VIOLATIONS:
14 DARRELL WAYNE SMITH,) 18 U.S.C. § 2243(b) – Sexual Abuse of a Ward;
15 a/k/a “Dirty Dick Smith,”) 18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact;
16 Defendant.) 18 U.S.C. § 2241(a) – Aggravated Sexual Abuse;
17) 18 U.S.C. § 242 – Deprivation of Rights Under Color
18) of Law
19) OAKLAND VENUE

18 SUPERSEDING INDICTMENT

19 The Grand Jury charges:

20 Introductory Allegations

21 At all times relevant to this Superseding Indictment:

- 22 1. The Federal Correctional Institution, Dublin (“FCI Dublin”) was a federal prison in
23 Alameda County, California, within the Northern District of California.
- 24 2. The defendant DARRELL WAYNE SMITH, a/k/a “Dirty Dick Smith,” was employed at
25 FCI Dublin as a correctional officer, and was sworn to uphold the Constitution of the United States.
- 26 3. S.L.H., L.J., C.A.H., L.B., and F.C., individuals who are known to the Grand Jury, were
27 female inmates at FCI Dublin and were serving prison sentences.

1 COUNT ONE: (18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact)

2 4. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
3 if fully set forth here.

4 5. On a date between on or about May 1, 2019, and on or about August 31, 2020, in the
5 Northern District of California, the defendant,

6 DARRELL WAYNE SMITH,

7 while in FCI Dublin, a Federal prison, knowingly engaged in sexual contact with S.L.H., a person who
8 was in official detention and under the custodial, supervisory, and disciplinary authority of the
9 defendant, when he touched S.L.H.'s buttocks while they were in S.L.H.'s cell at FCI Dublin, in
10 violation of 18 U.S.C. § 2244(a)(4).

11 COUNT TWO: (18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact)

12 6. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
13 if fully set forth here.

14 7. On a date between on or about October 1, 2020, and on or about March 31, 2021, in the
15 Northern District of California, the defendant,

16 DARRELL WAYNE SMITH,

17 while in FCI Dublin, a Federal prison, knowingly engaged in sexual contact with S.L.H., a person who
18 was in official detention and under the custodial, supervisory, and disciplinary authority of the
19 defendant, when he touched S.L.H.'s buttocks while they were in S.L.H.'s cell at FCI Dublin, in
20 violation of 18 U.S.C. § 2244(a)(4).

21 COUNT THREE: (18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact)

22 8. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
23 if fully set forth here.

24 9. On a date between on or about April 1, 2021, and on or about May 31, 2021, in the
25 Northern District of California, the defendant,

26 DARRELL WAYNE SMITH,

27 while in FCI Dublin, a Federal prison, knowingly engaged in sexual contact with S.L.H., a person who
28 was in official detention and under the custodial, supervisory, and disciplinary authority of the

defendant, when he touched S.L.H.'s inner thigh and groin while they were in S.L.H.'s cell at FCI Dublin, in violation of 18 U.S.C. § 2244(a)(4).

COUNT FOUR: (18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact)

10. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as if fully set forth here.

11. On a date between on or about April 1, 2021, and on or about May 31, 2021, in the Northern District of California, the defendant,

DARRELL WAYNE SMITH,

while in FCI Dublin, a Federal prison, knowingly engaged in sexual contact with S.L.H., a person who was in official detention and under the custodial, supervisory, and disciplinary authority of the defendant, when he touched S.L.H.'s groin while they were in S.L.H.'s cell at FCI Dublin, in violation of 18 U.S.C. § 2244(a)(4).

COUNT FIVE: (18 U.S.C. § 2241(a) – Aggravated Sexual Abuse)

12. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as if fully set forth here.

13. On a date between on or about April 1, 2021, and on or about May 31, 2021, in the Northern District of California, the defendant,

DARRELL WAYNE SMITH,

while in FCI Dublin, a Federal prison, did knowingly cause S.L.H. to engage in a sexual act, when he digitally penetrated S.L.H.'s anal opening, by use of force against S.L.H., in violation of 18 U.S.C. § 2241(a).

COUNT SIX: (18 U.S.C. § 242 – Deprivation of Rights Under Color of Law)

14. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as if fully set forth here.

15. On a date between on or about April 1, 2021, and on or about May 31, 2021, in the Northern District of California, the defendant,

DARRELL WAYNE SMITH,

while acting under color of law, willfully deprived S.L.H. of the right not to be subject to cruel and

1 unusual punishment, a right secured and protected by the Constitution and the laws of the United States,
 2 when he digitally penetrated S.L.H.'s anal opening without her consent and without legitimate
 3 penological purpose. The defendant's conduct resulted in bodily injury and included aggravated sexual
 4 abuse.

5 All in violation of 18 U.S.C. § 242.

6 COUNT SEVEN: (18 U.S.C. § 2243(b) – Sexual Abuse of a Ward)

7 16. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
 8 if fully set forth here.

9 17. On a date between on or about March 1, 2020, and on or about June 30, 2020, in the
 10 Northern District of California, the defendant,

11 DARRELL WAYNE SMITH,

12 while in FCI Dublin, a Federal prison, knowingly engaged in a sexual act with L.J., a person who was in
 13 official detention and under the custodial, supervisory, and disciplinary authority of the defendant, when
 14 he digitally penetrated L.J.'s genital opening while they were in L.J.'s cell at FCI Dublin, in violation of
 15 18 U.S.C. § 2243(b).

16 COUNT EIGHT: (18 U.S.C. § 2243(b) – Sexual Abuse of a Ward)

17 18. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
 18 if fully set forth here.

19 19. On a date between on or about August 1, 2020, and on or about December 31, 2020, in
 20 the Northern District of California, the defendant,

21 DARRELL WAYNE SMITH,

22 while in FCI Dublin, a Federal prison, knowingly engaged in a sexual act with L.J., a person who was in
 23 official detention and under the custodial, supervisory, and disciplinary authority of the defendant, when
 24 he digitally penetrated L.J.'s genital opening while they were in a laundry room at FCI Dublin, in
 25 violation of 18 U.S.C. § 2243(b).

26 COUNT NINE: (18 U.S.C. § 2243(b) – Sexual Abuse of a Ward)

27 20. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
 28 if fully set forth here.

21. On a date between on or about September 1, 2020, and on or about January 31, 2021, in the Northern District of California, the defendant,

DARRELL WAYNE SMITH,

while in FCI Dublin, a Federal prison, knowingly engaged in a sexual act with L.J., a person who was in official detention and under the custodial, supervisory, and disciplinary authority of the defendant, when he digitally penetrated L.J.'s genital opening while they were in a laundry room at FCI Dublin, in violation of 18 U.S.C. § 2243(b).

COUNT TEN: (18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact)

22. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as if fully set forth here.

23. On a date between on or about September 1, 2020, and on or about January 31, 2021, in the Northern District of California, the defendant,

DARRELL WAYNE SMITH,

while in FCI Dublin, a Federal prison, knowingly engaged in sexual contact with C.A.H., a person who was in official detention and under the custodial, supervisory, and disciplinary authority of the defendant, when he touched C.A.H.'s breast and buttocks in a laundry room at FCI Dublin, in violation of 18 U.S.C. § 2244(a)(4).

COUNT ELEVEN: (18 U.S.C. § 2243(b) – Sexual Abuse of a Ward)

24. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as if fully set forth here.

25. On a date between on or about September 1, 2020, and on or about January 31, 2021, in the Northern District of California, the defendant,

DARRELL WAYNE SMITH,

while in FCI Dublin, a Federal prison, knowingly engaged in a sexual act with C.A.H., a person who was in official detention and under the custodial, supervisory, and disciplinary authority of the defendant, when he digitally penetrated C.A.H.'s genital opening while they were in a laundry room at FCI Dublin, in violation of 18 U.S.C. § 2243(b).

1 COUNT TWELVE: (18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact)

2 26. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
3 if fully set forth here.

4 27. On a date between on or about September 1, 2020, and on or about January 31, 2021, in
5 the Northern District of California, the defendant,

6 DARRELL WAYNE SMITH,

7 while in FCI Dublin, a Federal prison, knowingly engaged in sexual contact with C.A.H., a person who
8 was in official detention and under the custodial, supervisory, and disciplinary authority of the
9 defendant, when he touched C.A.H.'s breast and buttocks while they were in a laundry room at
10 FCI Dublin, in violation of 18 U.S.C. § 2244(a)(4).

11 COUNT THIRTEEN: (18 U.S.C. § 2243(b) – Sexual Abuse of a Ward)

12 28. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
13 if fully set forth here.

14 29. On a date between on or about September 1, 2020, and on or about January 31, 2021, in
15 the Northern District of California, the defendant,

16 DARRELL WAYNE SMITH,

17 while in FCI Dublin, a Federal prison, knowingly engaged in a sexual act with C.A.H., a person who
18 was in official detention and under the custodial, supervisory, and disciplinary authority of the
19 defendant, when he penetrated C.A.H.'s genital opening with his penis, while they were in a janitor's
20 closet at FCI Dublin, in violation of 18 U.S.C. § 2243(b).

21 COUNT FOURTEEN: (18 U.S.C. § 2244(a)(4) – Abusive Sexual Contact)

22 30. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
23 if fully set forth here.

24 31. On a date between on or about December 1, 2020, and on or about March 31, 2021, in the
25 Northern District of California, the defendant,

26 DARRELL WAYNE SMITH,

27 while in FCI Dublin, a Federal prison, knowingly engaged in sexual contact with L.B., a person who
28 was in official detention and under the custodial, supervisory, and disciplinary authority of the

1 defendant, when he touched L.B.'s breast while they were in L.B.'s cell at FCI Dublin, in violation of
2 18 U.S.C. § 2244(a)(4).

3 COUNT FIFTEEN: (18 U.S.C. § 2243(b) – Sexual Abuse of a Ward)

4 32. Paragraphs 1 through 3 of this Superseding Indictment are re-alleged and incorporated as
5 if fully set forth here.

6 33. On a date between on or about August 1, 2016, and on or about November 30, 2016, in
7 the Northern District of California, the defendant,

8 DARRELL WAYNE SMITH,

9 while in FCI Dublin, a Federal prison, knowingly engaged in a sexual act with F.C., a person who was in
10 official detention and under the custodial, supervisory, and disciplinary authority of the defendant, when
11 he digitally penetrated F.C.'s genital opening while they were in F.C.'s cell at FCI Dublin, in violation
12 of 18 U.S.C. § 2243(b).

13
14 DATED: July 25, 2024

A TRUE BILL.

15
16 /s/ Foreperson of the Grand Jury
17 FOREPERSON

18 ISMAIL J. RAMSEY
19 United States Attorney

20 /s/ Andrew Paulson

21 MOLLY K. PRIEDEMAN
22 ANDREW PAULSON
23 Assistant United States Attorneys